REMARKS

In the Office Action mailed February 7, 2007, the Examiner noted that claims 2, 3, 6-8 and 13-16 were pending, and that claims 2, 3, 6-8 and 13-16 have been rejected. Claims 8 and 13 have been amended, no claims have been canceled, new claim 17 has been added; and, thus, in view of the foregoing claims 2, 3, 6-8 and 13-17 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

Rejections under 35 U.S.C. § 112

On page 3 of the Office Action, claims 2-3, 6-8 and 13-15 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirements.

Particularly, the Office Action, on page 3, asserted that the recitation in claims 8 and 13 "estimating a processing time required to handle each single response from the delivery destinations *before sending the groups of data packets to the delivery destinations*" is not supported by the Specification. However, amended claim 8 recites "estimating a processing time that the computer is expected to require to process each single response received from the delivery destinations of each group of data packets before sending the groups of data packets to the delivery destinations". Support can be found at Fig. 5, step S4 and Fig. 15, steps S40-S46 of the Specification.

Further, the Office Action, on page 4, asserted that "a person of ordinary skill in the art would not be able to determine the response time from the delivery destination stations by writing data into a database at the source destination station."

Examiner's attention is respectfully directed to the control data generation section 30c-2 on pages 21-22 of the Specification. Particularly, the control data generating section 30c-2 writes pseudo data to databases 30a and 30b to measure their access time and then measures the current CPU load of the delivery sources system 30. Based on these measurements, the control data generating section 30c-2 calculates a processing time that will be needed to process a response which the delivery source system 30 expects to receive from each delivery destination. Therefore, a person of ordinary skill in the art would clearly be able to determine a *estimation of a processing time that the computer is expected to require to process* each single response received from the delivery destinations when reading pages 21-22 of the Specification (see Figs. 3 and 5).

Therefore, it is respectfully submitted that claims 2-3, 6-8 and 13-15 satisfy the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

On page 5 of the Office Action, claims 2-3, 6-8 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gemmell (USPN 6,678,855) in view of Chiu et al. (USPN 6,505,253) (hereinafter "Chiu") and further in view of Lo et al. (USPN 6,122,483) (hereinafter "Lo").

Chiu is related to establishing a multicast repair tree having one sender station and a plurality of repair head stations (see Chiu, col. 2, lines 58-60). The repair head station retransmits a lost message to its affiliated group of member stations upon receipt from a member station of a non-acknowledgement message indicating that the selected message was not received (see Chiu, col. 2, lines 60-64). The Office Action, on page 6, asserted that col. 35, lines 35-40, col. 16, lines 30-35 and col. 22, lines 25-30 of Chiu discloses "estimating a processing time required to for the computer to process each single response which the delivery destination are supposed to send back to the computer", as recited in claim 13.

However, claims 13, as amended, recites "estimating a processing time that the computer is expected to require to process each single response received from the delivery destinations of each group of packets before sending the groups of data packets to the delivery destinations".

It is respectfully submitted that claim Chiu fails to disclose such features as recited in claim 13. Rather, Chiu describes that congestion feedback may contain additional information to help the sender deal with congestion (see Chiu, col. 16, lines 25-35). These feedbacks may contain the number of missing packets at the receiver to help estimate the amount of time needed to repair the receiver or may contain a time estimate for doing retransmission. As a result, the sender not only reduces its rate but also pauses briefly to let the local repairs complete before retransmission (see Chiu, col. 22, lines 25-29). Claim 13, in contrast, recites "estimating a processing time that *the computer is expected to require* to process each single response received from the delivery destinations". Chiu does not teach or suggest this feature since the relevant cited portions of Chiu are merely concerned with providing congestion feedback prior to retransmission of data and is not concerned with estimating the processing the that the computer is expected to require to process each response received from the delivery data section.

6

Further, according to Chiu, retransmissions are multicasted by the head(s) with a time to live (TTL) scope that is just enough to reach its furthest RxGroup-member. In contrast, claim 13 recites "estimating a processing time that the computer is expected to require to process each single response received from the delivery destinations". The time parameter is Chiu is not the same as the estimation of processing time in claim 13 since the time parameter in Chiu is merely concerned with the time required to reach the furthest RxGroup member.

Therefore, Chiu fails to disclose or suggest "estimating a processing time that the computer is expected to require to process each single response received from the delivery destinations of each group of packets before sending the groups of data packets to the delivery destinations" as recited in claim 13.

The Office Action, on page 7, asserted that Lo discloses "calculating a total response processing time in proportion to the *estimation processing time per response* and the number of delivery stations".

According to Lo, the timer interval is one which is adequately long for each of the recipient subscriber units receiving a multicast message being transmitted on a previously specified traffic channel to respond (see Lo, col. 9, lines 29-32). Stated another way, a time interval is set so each recipient has enough time to respond to the sender.

In claim 13, however, a processing time that the computer is expected to require in processing each single response received from the delivery destinations is estimated. Further, based on "the estimated processing time per response and the number of delivery destinations", the "total response processing time" is calculated. Lo does not teach or suggest such a features since Lo is related to setting a time interval for each recipient to return a response to the sender.

Therefore, Lo fails to cure the deficiencies of Chiu as set forth above with respect to claim 13.

Gemmell is related to distribution of data files and other data objects using IP multicast techniques in conjunction with forward error correction and data carousel techniques (see Gemmell, col. 1, lines 7-11). However, nothing was found or cited in Gemmell that cures the deficiencies of Chiu as set forth above with respect to claim 13.

Therefore, claim 13 is patentable over Gemmell, Chiu, and Lo, taken alone or in combination thereof, based on the above-mentioned discussion. Further, claim 8 has been amended to emphasize similar features as claim 13. Thus, claim 8 is patentable over Gemmell,

Chiu, and Lo, taken alone or in combination thereof, for reasons similar to those discussed above with respect to claim 1.

The dependent claims 2-3, 6-7 and 14-15 are also patentable over Gemmell, Chiu, and Lo, taken alone or in combination thereof, for at least the same reasons as their respective base claims.

On page 10 of the Office Action, claim 16 stands rejected under 35 U.S.C. § 103 as being unpatentable over Gemmell in view of Chiu, further in view of Lo and further in view of Bergsson et al. (US Patent Publication No. 2002/0071388) (hereinafter Bergsson).

It is respectfully submitted that claim 16 is patentable over the combination of Gemmel, Chiu, and Lo for at least the same reasons as its base claim. Further, nothing was cited or found in Bergsson that cures the deficiencies of Gemmell, Chiu, and Lo, as set forth above. Therefore, it is respectfully submitted that claim 16 is patentable over the combination of Gemmell, Chiu, Lo and Bergsson.

Accordingly, Applicants respectfully request that the rejections are withdrawn.

New Claim

New claim 17 has been added to recite:

17. (New) A method, comprising:
dividing received data into packets and generating groups of packets;
estimating a time required for a computer to process each single response received from the delivery destinations of each group of packets before sending the groups of data packets to the delivery destinations; and
transmitting a calculated total response processing time and information regarding the data to be sent to the delivery destinations so the delivery destinations can send back a response based on the calculated total response processing time.

It is respectfully submitted that none of the references, taken alone or in combination thereof, teach or suggest the features of new claim 17. Therefore, new claim 17 is patentable over the references.

Summary

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: ___February 28, 2008___   By: _____

Sheetal S. Patel
Registration No. 59,326

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501